



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 3219-99
26 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 February 1965 for a minority enlistment at age 17. The record reflects that you were advanced to SA (E-2) and served for six months without incident. However, during the six month period from August 1965 to February 1966 you were convicted by a summary court-martial and a special court-martial. Your offenses consisted of two periods of unauthorized absence (UA) totalling about 102 days.

On 20 January 1967 you were convicted by a second special court-martial of a 77 day period of UA from 3 October to 19 December 1966. You were sentenced to confinement at hard labor for six months, forfeitures of \$64 per month for six months, reduction in rate to SR (E-1), and a bad conduct discharge. The convening authority reduced the confinement and forfeitures to four months. You waived the right to request restoration to duty and requested that the bad conduct discharge be executed. On 5 April 1967, the Navy Board of Review affirmed the findings and the sentence and you received the bad conduct discharge on 28 April 1967.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited formal education, low test scores, and the fact that it has been more than 33 years since you were discharged. The Board noted your letter expressing regret for the actions which led to your discharge. You contend that you were immature at the time and felt it was more important to be home with your family when your grandmother died and your mother was diagnosed with cancer. The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge given your convictions by a summary court-martial and two special courts-martial. Your lost time due to UA and military confinement exceeded a year. The Board concluded that you were guilty of too much misconduct in 26 months of service to warrant recharacterization to honorable or under honorable conditions. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director